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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
By: Travis Brooks

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APR 01 2004

OFFICE OF PETITIONS

File
purpose
only

Appl. No. : 09/884,696 Confirmation No. : 4037
Applicant : Lisle W. George *et al.*
Title : **MORAXELLA BOVIS CYTOTOXIN, CYTOTOXIN GENE,
ANTIBODIES AND VACCINES FOR PREVENTION AND
TREATMENT OF MORAXELLA BOVIS INFECTIONS**
Filed : June 19, 2001
TC/A.U. : 1645
Examiner : Virginia Allen Portner
Attorney Docket No.: 407J-000700US
Customer No. : 22798
Client Ref No.: 1999-069-1

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
and
SUPPLEMENTAL RESPONSE TO OFFICE ACTION DATED NOVEMBER 15, 2002
WITH AMENDMENT**

Dear Sir:

Applicants file herewith a Petition to Withdraw the Holding of Abandonment Based on Failure to Receive Office Action and a Contingent Petition for Revival of an Application for Patent Abandoned Unintentionally. The Commissioner is requested to consider the Petition to Withdraw based on the facts provided therein and reinstate the present application.

Only in the event that the Petition to Withdraw is not granted, Applicants hereby request entry of the Contingent Petition for Revival.

02/24/2005 09:11:44 00000004 161321 00000000
01 FC:2202 103.00 BB
02 FC:2201 43.00 BB

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
16	1331
FEE CODE	VALUE FURNISHED
2202	153.00
2201	43.00

(17)
(1)

Applicants assert that the subject matter recited in amended claims 1 and 12 and previously presented claims 13 and 14 is not anticipated, and are allowable. Accordingly, Applicants respectfully request withdrawal of the rejection.

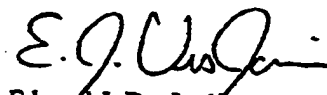
CONCLUSION

In view of the foregoing, and following entry of the Amendment dated April 16, 2003 and the present Amendment, Applicants believe all pending claims, including the newly added claims, in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested to expedite the prosecution of this case. Please telephone the undersigned at (510) 337-7871 to schedule an interview.

QUINE INTELLECTUAL PROPERTY LAW GROUP
P.O. BOX 458, Alameda, CA 94501
Tel: 510 337-7871
Fax: 510 337-7877
PTO Customer No.: 22798
Deposit Account No.: 50-0893

Respectfully submitted,


Edward J. DesJardins
Reg. No: 51,162

Attachments:

- 1) Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action;
- 2) Affidavit of Hana Verna;
- 3) Contingent Petition for Revival of an Application for Patent Abandoned Unintentionally;
- 4) Affidavit of Inventor John A. Angelos with Exhibits A-D;
- 5) A transmittal sheet;
- 6) A fee transmittal sheet; and,
- 7) A receipt indication postcard.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

Significant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
665

Complete If Known

Application Number	09/884,696
Filing Date	June 19, 2001
First Named Inventor	Lisle W. George
Examiner Name	Virginia Allen Portner
Art Unit	1645
Attorney Docket No.	407J-000700US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

Deposit Account:

Deposit Account Number: 50-0893
Deposit Account Name: Quire Intellectual Property Law Group, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.128(e))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
665

SUBMITTED BY

Name (Print/Type)	Edward J. Desjardins	Registration No. (Attorney/Agent)	51,162	Telephone	(510) 337-7871
Signature	<i>E.J. Desjardins</i>	Date	3-25-04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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